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PCT/EP2003/001054

## PATENT COOPERATION TREATY



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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053249	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/001054	International filing date (day/month/year) 04 February 2003 (04.02.2003)	Priority date (day/month/year) 13 February 2002 (13.02.2002)
International Patent Classification (IPC) or national classification and IPC C08G 69/04		
Applicant	BASF AKTIENGESELLSCHAFT	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 23 July 2003 (23.07.2003)	Date of completion of this report 12 May 2004 (12.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/001054

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

the international application as originally filed  
 the description:

pages \_\_\_\_\_ 1-16 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

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the claims:

pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19)  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the drawings:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig \_\_\_\_\_

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	2-13	YES
	Claims	1	NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

## 2. Citations and explanations

## 1. Reference is made to the following documents:

D1: JP-A-9020828 (PAJ abstract and computer translation)

D2: US-A-4022756

D3: JP-A-63170402 (PAJ abstract)

2. The application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

Publication D1 describes a device for producing moulded bodies from thermoplastic polymers (polyamide; cf. claim 14) starting from monomers that form such polymers in a discontinuous method, comprising: a) a reactor (reference sign 1) for the discontinuous production of a thermoplastic polymer melt (cf. paragraph 10), b) a network of pipes suitable for circulating the thermoplastic polymer melt (the pipe which connects the reactor to the valve 2), and c) a device suitable for the production of moulded bodies from the melt of a thermoplastic polymer (valve 2, which forms the polymer melt as a wire (good) or sheet), the reactor as per a) being connected to the network of pipes as per b) and the device as per c) being connected to the network of pipes

as per b) (cf. figure).

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3. In addition, publication D1 discloses a method for producing moulded bodies from thermoplastic polymers starting from monomers that form such polymers in a discontinuous method, said method comprising the steps a) and c) of independent claim 9.

In the method described in publication D1, the melt obtained in step a) is fed to a network of pipes (cf. paragraph 2 above).

The subject matter of claim 9 differs from D1 in that the average wall shear rate and flow speed of the polymer melt in the network of pipes are indicated. However, these parameters are so broad that a person skilled in the art would arrive at them by routine testing.

The subject matter of claim 9 does not therefore appear to involve an inventive step (cf. PCT Article 33(3)).

4. Publications D2 and D3 also disclose all the features of claim 1 (cf. D2, example 11; D3, abstract and figure).

5. Some of the additional features of the dependent claims are known from the prior art, whilst others appear to be obvious to a person skilled in the art. The subject matter of these claims therefore appears at least not to involve an inventive step.

6. Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 to D3 or indicate the relevant prior art disclosed therein.